

## **REMARKS**

The issues outstanding in the Office Action mailed September 24, 2003, are the objections to claims 6-9 10-21 and 22-25 and the rejections under 35 U.S.C §102. The objections also include the newly made objections to claim 6 and 10-20 and 22-25. Reconsideration of all of these issues, in view of the following discussion, is respectfully requested.

### **Objections to Claims**

Claims 7-9 and 21 remain objected to, and claim 6 is newly objected, as depending from later claims. It is again emphasized, as discussed at length at page 11 of the prior response, that nothing in 37 C.F.R. 1.75(c) prohibits claims from depending upon later claims. In deed, such a practice has occurred in probably 50% of the applications that the undersigned has prosecuted over the last 18 years. However, in order to expedite prosecution, minor amendments to the claim dependencies have been made, and claim 6 has been placed in independent form, essentially replacing claim 31, with claim 31 being modified to take the place of former claim 6. Thus, this issue is moot.

With respect to claims 10-20 and 22-25, objected to as being drawn to non-elected inventions, as is their right, Applicants defer action on these claims until such time as Appeal or Allowance.

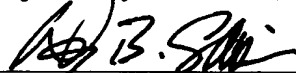
### **Rejections Under 35 U.S.C §102**

Claim 6-8 and 26-34 remain rejected under 35 U.S.C §102(b) over Koch, et al. '908. Applicants respectfully submit, as discussed at length in the prior response, that the patent fails to suggest the presently claimed method. In any event, despite the failure of patentees to suggest a [<sup>18</sup>F]-labeled purfluoralkyl amine moiety used in the method of the claims, it is clear that the patent does not disclose or suggest the presently claimed clarified process. Moreover, claims 32-34 are *not* product by process claims, but are pure method claims. Similarly, imaging claims (e.g., claims 26, etc.) are method claims, reciting, first, production of the compound, and then steps for its use. In any event, it is submitted that the §102 rejection should be withdrawn.

The claims of the application are submitted to be in condition for allowance. However, should the Examiner have any comments or questions which would expedite prosecution, she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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Harry B. Shubin, Reg. No. 32,004  
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

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